



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,538	11/30/2001	Huy P. Nguyen	PALM-3778	9994

7590 04/03/2006
WAGNER, MURABITO & HAO LLP
Two North Market Street
Third Floor
San Jose, CA 95113

EXAMINER

AMINI, JAVID A

ART UNIT PAPER NUMBER

2628

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/006,538

Applicant(s)

NGUYEN ET AL.

Examiner

Javid A. Amini

Art Unit

2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/1/2006 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, and 7-20 rejected under 35 U.S.C. 102(b) as being anticipated by Iwata et al. U.S. patent number 6,009,338, (hereinafter refers as Iwata).

Regarding Independent claim 1, “a handheld computer comprising: a processor module comprising a processor and a display, Iwata disclose in col. 13 line 7 and line 12-15 and in Figs. 1-3; a sliding display cover moveably coupled to said processor module, Iwata disclose in col. 8 lines 34-44; a sensing device coupled to said processor module and to said sliding display cover (Iwata in figs. 50-57 illustrates clearly the sensing device as switch lever 310, which causes opening/closing switch 311 to be pressed to turn the switch on or off. When this signal is detected, display mode is switched according to the opening/closing of the slide cover. Switch

Art Unit: 2628

lever 310 is arranged in the rail groove so as to minimize malfunction of opening/closing switch 311.) for providing geometric information for a plurality of positions indicating a relative position of an edge of said sliding display cover with respect to said display, Iwata in col. 5 at lines 60-67 (under subject of “summary of the invention”) clearly discloses that the mobile information terminal equipment may further comprise a display unit for displaying information on a display area in part of the surface of the mobile information terminal equipment, a location detector for detecting a location of the slide cover, and a display switch for changing a size of the display area for displaying information and a displaying direction of information according to the location of the slide cover detected by the location detector.

The following limitation of the claim claims that “wherein said relative position indicates a location of a displayed object on said display”, since this part of the claim invention broadly covers the meaning of the terms “relative position”, and by refereeing to the specification on page 6 line 10-12 discloses that a position sensor detects the relative position of the first and second segments to provide feedback to the display. Examiner believes that the following teaching covers the limitations of the claim invention, see as follows: Iwata at col. 5 lines 64-67 discloses a display switch for changing a size of the display area (Examiner’s interpretation: it means Iwata slides the cover for detecting relative position of an edge of the sliding display) displaying information and a displaying direction of information according to the location of the slide cover detected by the location detector.

The last part of the claim invention is as follows: a device driver for performing an action corresponding to said displayed object indicated by said relative position, wherein said performance of said action is initiated by a user. By referring to the reference Iwata in fig. 42 a

Art Unit: 2628

control unit that controls the display or LCD unit (Examiner's interpretation: the control unit is equivalent to the terms that claim discloses as "a device driver for performing an action to the displayed object"), Also Iwata in fig. 3 processor 21 handles the digital data and implements functions of the electronic note, word processor, personal computer, etc., and controls liquid crystal display 4, touch screen 20, and the input/output of telephone keyboard 6, and performs the controlling according to the cover opening/closing signal sent from cover switch 9. Also *id.*, Iwata discloses in col. 5 lines 64-67. The limitation in the claim discloses that a user initiates the performance, Iwata in fig. 3 illustrates step 3 keyboard, step 20 touch screen, step 9 cover switch and even step 26 the power source, are the factors require initiating by a user.

Examiner's note: The amended independent claim 1 is anticipated and every element as set forth in the claim 1 is found, either expressly or inherently described, in a single prior art reference as Iwata.

Regarding dependent claim 2, "the handheld computer of claim 1, wherein said action is a visual configuration of said display." Examiner's interpretation: a display switch for changing a size of the display area is considered as the action for visual configuration, and see Iwata discloses in col. 5 lines 63-64.

Regarding dependent claim 3, "the handheld computer of claim 1, further comprising a wireless transmitter, and wherein said action is an initiation of communication with another device using said wireless transmitter." Iwata discloses in Fig. 3 a "radio transmission" which is interpreted to be "wireless transmitter" and further Iwata disclose "wherein said action is the initiation of communication with another device using said wireless transmitter." in col. Col. 1 line 42-56 by stating "Telephone keyboard 6 for dialing keys is placed on the top of cover

Art Unit: 2628

7 installed on a mobile information terminal equipment body 1. Electronic note Keyboard 8 for character data input keys is installed from the back of cover 7 to the area covered by cover 7. A telephone mode and an electronic note mode are switched based on the output from a cover switch 9, which detects the opened/closed status of cover 7. When the cover is closed, the telephone mode is set, enabling the user to use the equipment as a regular mobile telephone. Meanwhile, the electronic note mode is set as the cover is opened, thus allowing the user to use it as an ordinary electronic note.”

Regarding dependent claim 4, “the handheld computer of claim 1, further comprising a wireless transmitter, and wherein said action is an initiation of communication with an external device, using said wireless transmitter.” Examiner’s interpretation regarding the term “an external device”, the wireless transmitter is transmitting signal and it has to be an external receiver receiving the signal. Iwata disclose in col.1 line 42-56.

Regarding dependent claim 7, “the handheld computer of claim 1, wherein said sliding cover comprises an input device coupled to said processor module.” Examiner’s interpretation: it’s inherent to have an input coupled with a processor. Iwata in fig. 3 illustrates sliding cover box 9 and the processor 21. Iwata disclose in col. 1 line 46-48.

Claims 8 -10 recite method steps performed by the apparatus of claims 1 and 3; therefore they are similar in scope and rejected under the same rationale.

Regarding dependent claim 11, “a method as described in claim 8 wherein said action is a display of related additional information associated with said object.” Iwata disclose in col. 7 lines 34-42 and col. 54-58.

Art Unit: 2628

Regarding dependent claim 12, “a method as described in claim 8 wherein said selection device is a key.” Iwata disclose in col. 8 lines 31-35.

Regarding dependent claim 13, “a method as described in claim 8 wherein said sliding cover comprises a keyboard.” Iwata disclose in col. 1 line 46-48 and col. 22 lines 64-65.

Regarding dependent claim 14, “a method as described in claim 8 wherein said sliding cover further comprises a microphone.” Iwata disclose in col. 8 lines 11-16.

Regarding dependent claim 15, “a method as described in claim 8 wherein said sliding cover further comprises a speaker.” Iwata disclose in col. 8 lines 11-16.

Claims 16-20 recite a computer readable medium containing executable instructions for executing the method of claims 8-11. It is inherent to have a medium configured to store or transport computer readable code in a computer system. For example compact disc has been included and used in the computer systems since 1990s or magnetic data storage devices have been used since 1980s. Also Iwata disclose a software application included in his handheld computer in col. 30 lines 58 – col. 31 line 10.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-6 rejected under 35 U.S.C. 103(a) as being unpatentable over Iwata et al. U.S. Patent 6,535,749 (hereafter, Iwata).

Regarding dependent claim 5, “the handheld computer of claim 1, wherein said sensing device is a non-contact sensor device.” Iwata does not disclose a non-contact sensor device, however, Iwata discloses in col. 28 lines 59-60 by stating “a means for detecting the door opened/closed” and therefore sensing device could be a non-contact sensor device. The second reference Osborn in the abstract teaches a mobile electronic device that includes a temperature sensor supported by the housing, the temperature sensor is coupled to the processor and configured to measure a temperature. The temperature sensor device is considered as non-contact sensing device. A person skill in the art may replace the 308a in fig. 49A of Iwata with the temperature sensor 270 in fig 2 of the Osborn.

The motivations are, as follows: The Iwata’s invention covers a mobile information terminal equipment may further comprise a display unit for displaying information on a display area in part of the surface of the mobile information terminal equipment, a location detector for detecting a location of the slide cover, and a display switch for changing a size of the display area for displaying information and a displaying direction of information according to the location of the slide cover detected by the location detector.

The second reference Osborn (see paragraph 0014) invention covers a handheld computer 100 includes interactive hardware and software that performs functions such as maintaining calendars, phone lists, task lists, notepads, calculation applications, spreadsheets, games, and other applications capable of running on a computing device. Handheld computer 100, shown in FIG. 1 includes a plurality of input functions, keys 105, a scrolling key 106, and a display 110 having graphical user interface features. Display 110 may be provided with an interface that allows a user to select and alter displayed content using a pointer, such as, but not limited to, a

Art Unit: 2628

stylus. In an exemplary embodiment, display 110 also includes a Graffiti" writing section 120, or other handwriting recognition software, for tracing alphanumeric characters as input.

Examiner's interpretation regarding combining the two references is: the two references may be relevant to establishing a motivation to combine which is implicit in the knowledge of one of ordinary skill in the art. The motivation for a person skill in the art may replace the 308a in fig. 49A of Iwata with the temperature sensor 270 in fig 2 of the Osborn, considered as the sliding cover shelters the 308a in fig. 49A, the temperature sensor would have been changed to a higher temperature, and this scenario can be applied for creating on/off switches as non-contact sensing switches. The procedures in fig. 3 of the Osborn can be applied for setting up a threshold. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to substitute applicant's described structure, or material for that described in the prior art references.

Regarding dependent claim 6, "the handheld computer of claim 1, wherein said display is a touch panel display forming a part of said sensing device." Iwata in fig. 42 illustrates touch screen, but does not specify forming a part of the sensing device in response to the sliding cover. Iwata disclose in col. 29 lines 63-65. Applicant requires providing more information regarding the touch screen in relationship with the sensing device.

Conclusion

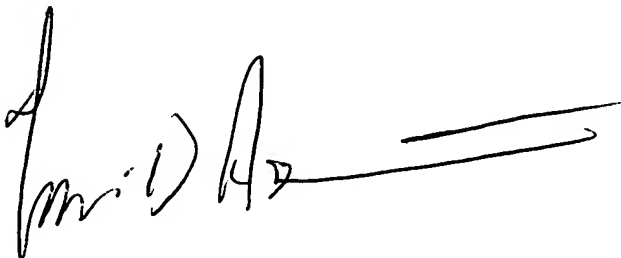
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javid A. Amini whose telephone number is 571-272-7654. The examiner can normally be reached on 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on 571-272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Javid A Amini
Examiner
Art Unit 2628

Javid Amini

A handwritten signature in black ink, appearing to read 'Javid Amini', followed by a long horizontal line.